

## **Remarks**

This paper is being submitted in response to the Restriction/Election Requirement mailed October 19, 2005. Claims 19-26 have been cancelled, and claims 1-18 and 27-34 are currently pending. The applicant respectfully requests examination of all the claims in light of the following remarks.

### **A. Preliminary Matter**

The applicant has canceled claims 19-26 without prejudice. The applicant reserves the right to prosecute these claims at a latter date.

### **B. Restriction Requirement**

The Restriction/Election Requirement requires restriction to the following groups: Group I having claims 1-3 and 16; Group II having claims 4-15, 17, and 18; and Group III having claims 19-34. The applicant respectfully traverses this restriction requirement and do not admit any characterization of the pending claims made in Restriction/Restriction Requirement.

#### **1. Groups I and II**

Initially, the applicant notes that all of the claims in Group I and Group II are related to obtaining a set of multiple images of a target feature location. Indeed, claims 4-12 (Group II) are narrower than claim 1 (Group I) in every respect. Like claim 1 (Group I), claims 13-15 (Group II) are also directed to obtaining a set of multiple images of a target feature location. Finally claims 17 and 18 (Group II) depend from claim 16 (Group I).

Given the relationship between claims in these two groups, the inventions can be used together and are thus not unrelated as defined in M.P.E.P. §§ 806.01 and 808.01. Furthermore, the applicant respectfully submits that these claims will be searched in the same classes and thus do not present an undue burden is searched together. Therefore, the applicant respectfully requests withdrawal of the restriction requirement with respect to Groups I and II and examination of claims 1-18.

#### **2. Group III**

With respect to Group III, the applicant submit that these claims also will be searched in the same classes as those in groups I and II. Therefore, the applicant respectfully request

withdrawal of the restriction requirement between Group III and Groups I and II, and examination of claims 27-34.

**3. Provisional Election**

In the event that the restriction requirement is not withdrawn, the applicant elects Group I for examination, or if the restriction requirement is partially withdrawn, the applicant elects the group that includes the claims in the original Group I.

**C. Species Election**

The Restriction/Election Requirement requires election between Species A (claims 1 and 2) and Species B (Claim 3) within Group I. The applicant respectfully traverses this election requirement and does not admit any characterization of the pending claims made in Restriction/Restriction Requirement.

The Restriction/Election Requirement states that the species are distinct in that different and distinct types of analysis need to be applied depending on whether a single or multiple target feature location(s) are used to produce image sets. However, the applicant notes that obtaining images of a target and thus do not require independent analysis. Furthermore, these claims will be searched in the same class and thus there is not an undue burden placed on the search process. Therefore, the applicant respectfully requests withdrawal of the pending election requirement and examination of claims 1-3 and 16 within Group 1.

In the event that the election requirement is not withdrawn, the applicant elects Species A for examination.

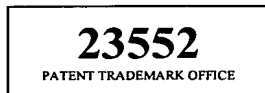
**D. Conclusion**

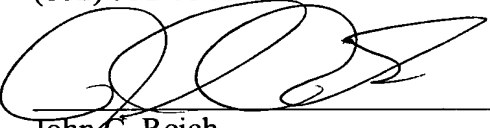
For at least these reason, the applicant respectfully request withdrawal of the restriction and election requirements. Please contact the undersigned attorney if there are any questions.

Respectfully submitted,

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